



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11640 of 2016

1 PRABAKAR
2 MICHAEL
3 PARAMASIVAN

... PETITIONERS / ACCUSED Nos.1 to 3

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT,
(CRIME NO.87 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.ASHOK Advocate

For Respondent : MR.P.Kannithevan Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

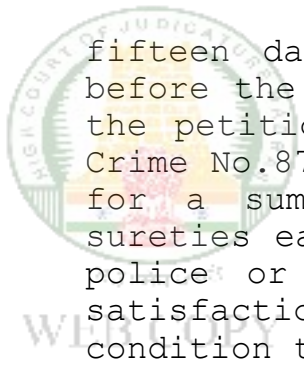
The petitioners, who are arrayed as accused nos. 1 to 3 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 (Sand) of the IPC in Crime No.87 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have transported one unit of sand without any valid permit, by using Tractor bearing Regn.Nos.TN 69 U 7627. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioners alleged to have transported one unit of sand and the investigation of the case is pending.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri on condition that the petitioner shall deposit a sum of Rs.3,000/- to the credit of Crime No.87 of 2016 and each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
14/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S J.ASHOK Advocate SR.No.36529

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ORDER
IN
CRL OP(MD) No.11640 of 2016
Date :14/07/2016